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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,416	01/30/2002	Masaki Misawa	218866US2	4745

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EXAMINER

CHURCH, CRAIG E

ART UNIT PAPER NUMBER

2882

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,416

Applicant(s)

MISAWA, MASAKI

Examiner

Craig E. Church

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

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The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to support the invention as now claimed. There is no teaching in the original disclosure of "a fixed emitter" a meaning one. Alternatively if there is teaching for only one fixed emitter, there is no teaching of how to perform a CT scan with only one fixed emitter.

Claims 7-13 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 7 and 9-13 are rejected under 35 U.S.C. § 103 as being unpatentable over Street et al (5117114). Figures 11 and 12 of Street show detector modules

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223,225 comprising strip shaped detector arrays configured as a polygon around an imaging region of a CT scanner opposite an x-ray source (lines 35-63 of column 9). Lines 35-52 of column 4 explain that the pixels may be fabricated by photolithography. The claims are rejected to the extent they are supported by the original disclosure.

Claim 8 is rejected under 35 U.S.C. § 103 as being unpatentable over Street as applied to claim 7 above, and further in view of Morton (5693947). Lines 43-46 of column 10 of Morton teach the use of CdTe as useful for detecting x rays, and it would have been obvious therefor to one of ordinary skill in the art at the time the invention was made to employ CdTe in the Street detectors.

Claims 7 and 9-13 are rejected under 35 U.S.C. § 103 as being unpatentable over Takahashi et al (5164973). Figures 2 and 6 of Takahashi show detector modules b configured as a contiguous polygon around an imaging region of a CT scanner opposite an x-ray source. Official notice is taken that integrated circuits (such as Takahashi's semiconductor arrays) are commonly made via photolithography, and it would have been obvious to employ these in Takahashi's modules. The claims are rejected to the extent they are supported by the original disclosure.

Claim 8 is rejected under 35 U.S.C. § 103 as being unpatentable over Takahashi as applied to claim 7 above, and further in view of Morton. Lines 43-46 of column 10 of Morton teach the use of CdTe as useful for detecting x rays, and it

would have been obvious therefor to one of ordinary skill in the art at the time the invention was made to employ CdTe in the Takahashi detectors.

Claims 7 and 9-13 are rejected under 35 U.S.C. § 103 as being unpatentable over Shaw et al (4338521). Shaw teaches straight detector modules 46 arranged as a contiguous polygon (approximating a circle) around an imaging region of a CT scanner opposite an x-ray source. Each module comprises a PC board 76 and integrated circuit 96. Official notice is taken that integrated circuits are commonly made via photolithography, and it would have been obvious to employ these in Shaw's modules. The claims are rejected to the extent they are supported by the original disclosure.

Claim 8 is rejected under 35 U.S.C. § 103 as being unpatentable over Shaw as applied to claim 7 above, and further in view of Morton. Lines 43-46 of column 10 of Morton teach the use of CdTe as useful for detecting x rays, and It would have been obvious therefor to one of ordinary skill in the art at the time the invention was made to employ CdTe in the Shaw detectors.

Applicant's arguments filed March 12, 2004 have been fully considered but they are not persuasive. While figure 2 illustrates one emitter, there is no way of knowing if it is fixed or if it is the only one. On the other hand, lines 7-16 of page 8 of the specification explicitly refer to "sources" meaning plural.

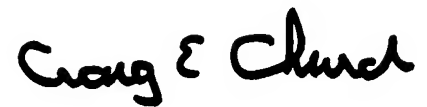
Applicant's arguments with respect to the prior art cannot be convincing until the section 112 rejections are overcome.

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Any inquiry concerning this communication should be directed to Examiner
Church at telephone number (571) 272-2488.

A handwritten signature in black ink that reads "Craig E Church". The signature is written in a cursive, slightly slanted style.

CRAIG E. CHURCH
Senior Examiner
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